

SPONSORED BY: COUNCIL MEMBER MARTIN

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-138
Series of 2006

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A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT AMENDING THE JUNE 29, 1979 FOUR-WAY AGREEMENT AND TERMINATING THE FEBRUARY 11, 2002 STANDLEY LAKE DAM RENOVATION AGREEMENT BETWEEN THE CITIES OF NORTHGLENN, THORNTON AND WESTMINSTER AND THE FARMERS RESERVOIR AND IRRIGATION COMPANY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Intergovernmental Agreement Amending the June 29, 1979 Four-Way Agreement and Terminating the February 11, 2002 Standley Lake Dam Renovation Agreement Between the Cities Of Northglenn, Thornton and Westminster and The Farmers Reservoir And Irrigation Company, attached hereto as **Exhibit 1**, is hereby approved and the Mayor is authorized to execute same on behalf of the City.

DATED at Northglenn, Colorado, this ____ day of _____, 2006.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

INTERGOVERNMENTAL AGREEMENT AMENDING
THE JUNE 27, 1979 FOUR-WAY AGREEMENT AND TERMINATING THE
FEBRUARY 11, 2002 STANDLEY LAKE DAM RENOVATION AGREEMENT

This Intergovernmental Agreement (Agreement) is made this _____ day of _____, 2006 among the City of Thornton (Thornton), a municipal corporation, the City of Westminster (Westminster), a municipal corporation, the City of Northglenn (Northglenn), a municipal corporation (collectively, the Cities), and the Farmers Reservoir and Irrigation Company (FRICO)(collectively, the Parties).

WITNESSETH

WHEREAS, the Parties have previously entered into an Agreement commonly referred to as the "Four-Way Agreement" on June 27, 1979, and which Agreement remains fully in force and effect; and

WHEREAS, the Parties have previously entered into the Standley Lake Dam Renovation Agreement (Design Services Agreement) on June 16, 1999, to design required safety improvements to Standley Lake Dam; and

WHEREAS, the Parties have previously entered into the Standley Lake Dam Renovation Intergovernmental Agreement (Construction Services Agreement) on February 11, 2002, to construct required safety improvements to Standley Lake Dam; and

WHEREAS, The Design Services Agreement and Construction Services Agreement each contemplated that the Parties would amend June 27, 1979 Four-Way Agreement once an operational new outlet works were successfully completed.

WHEREAS, the successful completion of an operational new outlet works with increased flow capacity that will satisfy the long-term needs of the Parties as contemplated in Article 1 of the Construction Contract has been achieved; and

WHEREAS, it is appropriate and necessary to set forth in a separate Intergovernmental Agreement these amendments in greater detail.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. Amendment to the Four-Way Agreement.

- i. The Parties hereto agree that successful completion of an operational new outlet works that provides increased flow capacity eliminating the need for priorities of use as contemplated in Article 1 of the Construction Contract now exists, the Parties hereby agree that the Four Way Agreement dated June 27, 1979, is permanently amended to eliminate the priorities of use of the Standley Lake outlet works and Paragraphs 8 and 17.g thereof are hereby deleted in their entirety.

2. Termination of the Standley Lake Renovation Design Services Agreement

- i. The construction services for the Standley Lake Renovation Project have been completed. The Parties hereto agree that the February 11, 2002 Standley Lake Dam Renovation Intergovernmental Agreement (Construction Services Agreement) is hereby terminated.

3. Charter Compliance. The Cities intend this Agreement to be made in compliance with the charters of each respective City.

4. Notices. Any notice to the Parties which is required or permitted by this Agreement shall be in writing, and shall be deposited in the United States mail, postage prepaid, addressed as follows:

Thornton City Manager
City of Thornton
9500 Civic Center Drive
Thornton, CO 80229

Northglenn City Manager
City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233

Westminster City Manager
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031

FRICO
80 South 27th Avenue
Brighton, CO 80601

5. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the Parties and their respective successors and assigns.

In Witness Whereof the Parties hereto have executed this Agreement to be effective as of the date first above written.

CITY OF THORNTON

Jack Ethredge, City Manager

ATTEST:

Nancy Vincent
City Clerk

APPROVED AS TO FORM:

Thornton City Attorney

CITY OF WESTMINSTER

J. Brent McFall, City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

Westminster City Attorney

CITY OF NORTHGLENN

Kathleen M. Novak, Mayor

ATTEST:

Diana L. Lentz, CMC
City Clerk

APPROVED AS TO FORM:

Corey Y. Hoffmann
Northglenn City Attorney

FARMERS RESERVOIR AND
IRRIGATION COMPANY

President

ATTEST:

Mary E. Hanssen, Secretary

STATE OF COLORADO)
)ss.
COUNTY OF ADAMS)

The foregoing Intergovernmental Agreement was subscribed and sworn to before me this _____ day of _____, 2006, by Albert Sack as President and by Mary Hanssen as Secretary of the Farmers Reservoir and Irrigation Company, Inc.

WITNESS my hand and official seal.

My commission expires: _____.

NOTARY PUBLIC _____